

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed April 4, 2007. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 5, 6, 8-10, 12, 14 and 16-19 have been amended. New Claims 24-26 have been added to provided claims of varying scope. No new matter has been added. Accordingly, Claims 5-26 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Information Disclosure Statement

In Section 2 of the Detailed Action, the Examiner indicated that the information disclosure statement filed on March 23, 2007 fails to comply with 37 C.F.R. § 1.98(a)(2), which requires a legible copy of each cited patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Applicant believes this issue is now moot and that information disclosure statement filed on March 23, 2007 complies with 37 C.F.R. § 1.98(a)(2). Upon receiving this Non-Final Office Action, the Examiner was contacted in an attempt to better understand the alleged deficiency in the information disclosure statement filed on March 23, 2007. The Examiner indicated that the issue was moot in view of documentation received subsequent to the mailing of the Non-Final Office Action. Nonetheless, an English translation of the previously submitted Official Action from the Japanese Patent Office has since become available to Applicant and is being submitted in a separate information disclosure statement filed concurrently with this Amendment and Reply.

Drawings

In Section 3 of the Detailed Action, the Examiner indicated that at the time this Action was prepared, the drawings for the present Application had not been received. Applicant believes this issue is now moot. Upon receiving this Non-Final Office Action, the Examiner was contacted in an attempt to better understand the issue because the present Application is an application that was filed under 35 U.S.C. §371(c) and for which formal drawings were included in the international application. The Examiner indicated that the issue was moot since the drawings were routed to the Examiner subsequent to the mailing of this Action.

Specification

In Section 4 of the Detailed Action, the Examiner reminded Applicant of the proper language and format for an abstract of the disclosure. Applicant thanks the Examiner for noting the possible format issues appearing in the previously submitted Abstract. A new Abstract is attached to this Amendment and Reply for insertion after the claim pages of the application to replace the previously submitted Abstract.

Claim Rejections – 35 U.S.C. § 102(b)

In Sections 5 and 6, the Examiner rejected Claims 12 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,738,427 to Nishino ("Nishino"). In rejecting Claim 12, Examiner stated:

Nishino discloses a seat for a vehicle (Figure 3): comprising: a pair of support frames (8)(8) supported by the vehicle body; a seat back (1)(A) including a seat back frame (unlabeled) including the outer tubular edge portion of seat back (1)(A) side elements and a sub-frame (unlabeled) including the inner planar portion extending between the outer tubular edge portions, the upper end (unlabeled) of the sub-frame being coupled to the seatback frame (1). . . .

This rejection should be withdrawn because the cited reference fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 12 (as amended) recites a “seat for a vehicle” comprising, among other elements, “a seatback including a seatback frame having lower ends and a sub-frame having an upper end and a lower end, the upper end of the sub-frame being coupled to the seatback frame, the lower ends of the seatback frame and the lower end of the sub-frame being supported by the pair of support members.”

Nishino fails to disclose such a seat for a vehicle. In contrast, Nishino discloses an automotive vehicle seat that includes a seat back frame 1 and a reclining device 6 (col. 2, lines 35-48 and Fig. 2), wherein the sides of the seat back frame 1 are defined only by a pair of side plates (unlabeled) having lower ends that are mounted to the reclining device 6 (col. 3, lines 5-15). The only portions of seat back frame 1 that are supported by the reclining device 6 are the lower ends of the side plates. As such, Nishino does not disclose a seat back having a seatback frame in combination with a sub-frame wherein “the lower ends of the seatback frame and the lower end of the sub-frame [are] supported by [a] pair of support members,” as recited in independent Claim 12 (as amended).

Accordingly, Applicant respectfully requests withdrawal of the rejections of Claim 12 since at least one element of such claim is not disclosed, taught or suggested by Nishino. Claim 13 depends from Claim 12 and is allowable therewith for at least the same reasons set forth above, without regard to the further patentable limitations set forth in such claim. Reconsideration and withdrawal of the rejection of Claims 12 and 13 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

In Sections 7 and 8 of the Detailed Action, the Examiner rejected Claims 5-11 and 14-22 under 35 U.S.C. § 103(a) as being unpatentable over Nishino in view of U.S. Patent No. 5,791,738 to Niezoldt (“Niezoldt”). This rejection should be withdrawn because Nishino, alone or in any proper combination with Niezoldt, fails to disclose, teach or suggest the claimed invention.

For example, Nishino, alone or in any proper combination with Niezoldt, fails to disclose, teach or suggest a “seat for a vehicle” comprising, among other elements, a “seatback including a seatback frame made from a pipe and sub-frames made from pipes, upper ends of the sub-frames being respectively coupled to the seatback frame, lower ends of the seatback frame and lower ends of the sub-frames being supported by the support frames,” as recited in independent Claim 5 (as amended).

Nishino, alone or in any proper combination with Niezoldt, also fails to disclose, teach or suggest a “seat for a vehicle” comprising, among other elements, a “seatback including a seatback frame having lower ends and sub-frames having upper ends and lower ends, the upper ends of the sub-frames being coupled to the seatback frame, the lower ends of the seatback frame and the lower ends of the sub-frames being supported by the pair of support members,” as recited in independent Claim 9 (as amended).

Nishino, alone or in any proper combination with Niezoldt, also fails to disclose, teach or suggest a “seat for a vehicle” comprising, among other elements, a “seatback movably coupled to the first and second support members and including a first frame, a second frame and a third frame, the second frame and the third frame having first ends coupled to the first frame and second ends, ends of the first frame and the second ends of the second frame and third frame being supported by the first and second support,” as recited in independent Claim 14 (as amended).

Nishino was discussed above with reference to independent Claim 12. With regard to independent Claims 5, 9 and 14, Nishino fails to teach or suggest, for example, a seat for a vehicle having the features recited in the three preceding paragraphs.

Niezoldt does not remedy those deficiencies of Nishino. An objective of Niezoldt is to provide a seat back “with which it is possible to obtain greater stability under load . . .” (col. 1, lines 20-23). To achieve this objective, Niezoldt discloses a seat back that includes a pair of side outriggers each having a back support 3 and a front support 4” (col. 2, lines 3-11). Each back

support 3 merges with a transverse part 6 that runs horizontally to form a one-piece member (col. 2, lines 17-19). Similarly, each front support 4 merges with a transverse part 7 that runs horizontally to form another one-piece member (col. 2, lines 30-33). The combination of the back supports 3 with the transverse part 6 and the combination of the front supports 4 with the transverse part 7 form two one-piece frame members. Niezoldt teaches away from providing anything less than these two one-piece members, and more particularly, from a member that does not include a transverse portion since a separator 8 provided at these transverse portions to connect the two one-piece members together (col. 2, lines 35-40). As such, Niezoldt does not disclose, teach or suggest the use of “sub-frames” as recited in amended Claims 5, 9 and 14. Further, while each of the two one-piece members of Niezoldt may be said to have an upper portion, neither of the two one-piece members have “upper ends” as that term is used in the present Application with reference to the “sub-frame.” Rather, the two one-piece members extend in a substantially continuous manner between two “lower end sections” that are configured to be received by a connecting body 5. Thus, Niezoldt does not disclose, teach or suggest coupling “upper ends of sub-frames” to a “seatback frame” as recited in amended Claims 5, 9 and 14.

The Examiner has cited no teaching in the art of record of a “seat frame for a vehicle” that includes a “seat back frame” and “sub-frames” wherein “upper ends of the sub-frames are coupled to the seatback frame,” as recited in amended Claims 5, 9 and 14. Applicant submits that the only evidence in the record of a teaching of such a feature is contained in the present application. Of course, any reliance on the present application would constitute impermissible hindsight reasoning.

Independent Claims 5, 9 and 14 are allowable over the cited references, whether taken alone or in proper combination, because at least one limitation in each of the rejected claims is not taught or suggested by the cited references. Withdrawal of the rejections of independent Claims 5, 9 and 14 is respectfully requested. Dependent Claims 6-8, 10, 11 and 15-22 variously depend from independent Claims 5, 9 and 14, and are allowable therewith for at least those

reasons set forth above, without regard to the further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejections of Claims 6-8, 10, 11 and 15-22 is respectfully requested.

New Claims

Applicant has added new Claims 24-26 to provide claims of varying scope. New Claims 24-26 variously depend from independent Claims 5, 9 and 12, and are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims. Accordingly, allowance of new Claims 24-26 is respectfully requested.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper

or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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ABSTRACT

A seat for a vehicle is disclosed. The seat is provided with a pair of support frames supported by a vehicle body, a seatback provided with a seatback frame and sub-frames, a reclining device for allowing the seatback to tilt and supporting the seatback and a lifter device for allowing a seat cushion portion to tip up and supporting the seat cushion portion in a tipping position. Both the
5 seatback frame and the sub-frames are made from pipe. Upper ends of the sub-frames are welded with the seatback frame and lower ends of the seatback frame and the sub-frames are supported by the support frames.